

## Legal Update

### Commercial Court opens in the British Virgin Islands

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Until early in 2009, all commercial and insolvency litigation arising in the British Virgin Islands was attended to by the High Court of Justice of the British Virgin Islands.

However, in May 2009 a new Commercial Court specialising exclusively in domestic and cross-border commercial and insolvency matters (with values exceeding \$500,000) was established on Tortola. In two ceremonies, the government of the BVI formally opened the court and signed memoranda of understanding with the Eastern Caribbean Supreme Court ("ECSC") undertaking to provide for its operation and administration.

The Commercial Court, under the guidance of a newly appointed presiding judge, His Honour Justice Edward Bannister Q.C. (an extremely experienced chancery Barrister from England), has had since its inception, jurisdiction to hear matters that arise in nine Caribbean nations and territories (those being: Anguilla, Antigua & Barbuda, Dominica, Grenada, Montserrat, St. Kitts & Nevis, St. Vincent, St. Lucia, and the British Virgin Islands).

Having handled complex and frequently high-profile matters since the outset the Commercial Court has, in its short history, come to be regarded as both a hub of progressive commercial jurisprudence

(building on the B.V.I. courts' pre-existing reputation in this regard) and a highly desirable forum in which to determine legal disputes. This, in part, can be attributed to the introduction of a bespoke supplement to the ECSC Civil Procedure Rules, applicable solely to practice in the Commercial Court and the high quality of judgments delivered by Bannister J.

Forbes Hare have participated in a number of noteworthy matters that have come before the Commercial Court since its inception. Our lawyers have appeared before Bannister J both in Chambers and in open Court on a regular basis, frequently several times a week. As such, Forbes Hare have a firm grasp on Commercial Court procedure which complements our renowned expertise in large-scale commercial and insolvency matters, particularly those with a cross-border element.

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If you would like to receive further information, or more detailed guides on a range of BVI legal topics, please do not hesitate to contact William Hare at [william.hare@forbeshare.com](mailto:william.hare@forbeshare.com) or your usual contact at the firm.

#### About Us

Forbes Hare is an independent law firm advising on the laws of the British Virgin Islands and Cayman Islands. For further information on the range of the services we offer please visit our website [www.forbeshare.com](http://www.forbeshare.com).